

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

GRAND JURY MANAGEMENT IN
POLK COUNTY

ADMINISTRATIVE ORDER 2015- 35

This order supersedes administrative order 2001-5 In Re: Grand Jury Management in Polk County dated February 16, 2001. Quarterly grand jury terms in Polk County, Iowa were implemented in 2001. This system of grand jury management provides fresh, diverse grand juries for criminal cases in Polk County. Quarterly grand jury terms have reduced the burden of grand jury service on our citizens and provided greater opportunity for more citizens to serve. Quarterly grand jury terms have been efficiently administered through the selection of grand jurors using Iowa Judicial Branch Jury Management System.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. **Length of Service:** Pursuant to Iowa Code §607A.29, a person shall not be required to serve or attend court for prospective juror service for more than a three (3) month term of service in any two-year period. However, pursuant to Rule 2.3(3)(a) of the Iowa Rules of Criminal Procedure when an investigation which has been undertaken by the grand jury is incomplete, the regular term of service shall be extended until the completion of the investigation not to exceed one calendar year. Should an investigation remain incomplete after one calendar year, the Court may by order extend the eligibility of a grand juror beyond one year to the completion of the investigation.
2. **Quarterly Grand Jury Terms:** Pursuant to Rule 2.3(1) of the Iowa Rules of Criminal Procedure, the Court finds it is in the public interest of the citizens of Polk County that a grand jury shall meet at least once every quarter of each year to perform the special duties set forth in Rule 2.3(4)(a-d) of the Iowa Rules of Criminal Procedure. The quarterly grand jury shall also meet as necessary to inquire into all indictable offenses brought before it.
3. **Selection of Grand Jurors:** Pursuant to Iowa Code § 607A.21(1), on or before January 2 of each year, the jury manager in Polk County shall use the jury management system to randomly select from source lists a list of one hundred

and fifty (150) persons from which to draw grand jurors. This list shall be considered the grand jury list for the year. The grand jury list shall be stored in the jury management system as required by Iowa Code § 607A.27(2). Pursuant to Iowa Code § 607A.39, the Court may order as many additional persons to be selected from source lists for the grand jury list as it deems necessary for administration of the grand jury.

4. **Drawing of Panel of Grand Jurors:** Pursuant to Iowa Code § 607A.33(2) and Rule 2.3(1) of the Iowa Rules of Criminal Procedure, at the beginning of each calendar quarter, the jury manager shall use the jury management system to randomly draw from the grand jury list the names of twelve (12) persons and two (2) alternates constituting the panel of the grand jury for the quarter. The grand jury panel shall be summoned as necessary for the selection of a grand jury.
5. **Selection of Grand Jury:** Pursuant to Iowa Code § 607A.33(2) and Rules 2.3(1) of the Iowa Rules of Criminal Procedure, as necessary to conduct an investigation or perform the special duties of a grand jury, the jury manager shall use the jury management system to randomly draw from the grand jury panel seven (7) names to constitute the grand jury. This automated drawing need not occur in open court. Should any of the persons so drawn be excused by the Court or fail to attend on the day designated for their appearance, the jury manager shall use the jury management system to randomly draw from the panel additional names until seven (7) grand jurors are secured. If the panel is insufficient to provide and maintain a grand jury of seven (7) members, the jury manager shall use the jury management system to randomly draw from the grand jury list the number of additional names necessary to restore the grand jury panel of twelve (12) and to randomly draw from the panel additional names until a grand jury of seven (7) grand jurors is secured. The additional grand jurors shall be summoned in the manner as those originally drawn.
6. **Presiding Judge:** Criminal No. 1 judge in Polk County in Courtroom 204 shall preside over the grand jury and perform the duties set forth in Rule 2.3 of Iowa Rules of Criminal Procedures.
7. **Jury Manager:** The Polk County Clerk or his designee (currently Lisa Stevens) is hereby appointed Jury Manager of Polk County to perform the duties set forth

in Iowa Code § 607A concerning both grand and petit juries. The jury manager shall implement this order effective immediately.

8. **Grand Jury Clerk:** Pursuant to Rule 2.3(4)(b) of the Iowa Rules of Criminal Procedure, Polk County Clerk of the District Court Randy Osborn is hereby appointed clerk of the grand jury in Polk County to perform the duties set forth in Rule 2.3 of the Iowa Rules of Criminal Procedure. Mr. Osborn may delegate these duties to a staff member within his office. The Clerk, Assistant Clerk or Clerk's designee for the grand jury shall sign the oath in Rule 2.3(4)(c) of the Iowa Rules of Criminal Procedure.
9. **Minutes of Evidence:** The sworn testimony of the grand jury proceedings shall be digitally recorded on equipment provided by Polk County and maintained by the Polk County Attorney. The clerk of the grand jury shall preserve the sworn testimony from the proceeding and the evidence given before the grand jury pursuant to Rule 2.3(4)(f) of the Iowa Rules of Criminal Procedure. Upon the finding of an indictment by the grand jury, the sworn testimony of the witnesses presented to the grand jury shall be transcribed by a certified shorthand reporter and paid for by Polk County. The Polk County Attorney shall prepare minutes of testimony for the indictment as provided in Rule 2.4(6) of the Iowa Rules of Criminal Procedure.

Effective this 25th day of June, 2015.


ARTHUR E. GAMBLE, Chief Judge
Fifth Judicial District of Iowa

Copies to:

Chief Justice Mark Cady
Liaison Justice David Wiggins
Iowa Court of Appeals Judges
State Court Administrator David Boyd
All Polk County Judges, Fifth Judicial District
District Court Administrator Elizabeth J. Baldwin
Assistant District Court Administrators Anne Sheeley & Kellie Meyer
Polk County Attorney John Sarcone
State Public Defender Adam Gregg
Polk County Clerk of Court Randy Osborn
Polk County Auditor Jamie Fitzgerald

FILED
POLK COUNTY, IA.
15 JUN 26 AM 8:05
CLERK DISTRICT COURT